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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,350	02/25/2000	Frank Leymann	GE999-002	7891

7590

08/12/2002

Anne V Dougherty
3173 Cedar Road
Yorktown Heights, NY 10598

EXAMINER

JEANTY, ROMAIN

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,350

Applicant(s)

LEYMANN ET AL.

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

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Detailed Action

1. Claims 1-16 are presented for examination.

Specification

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, comprising, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

3. Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claim 10, it is unclear as to what "activity's specific execution environment" applicants are referring. There is insufficient antecedent basis for this limitation in the claim. Applicants are advised to amend the claim to recite a proper antecedent basis.

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As to claim 11, it is unclear as to what "communication system" applicants are referring to. There is insufficient antecedent basis for this limitation in the claim. Applicants are advised to amend the claim to recite a proper antecedent basis.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 2, 3, 12, 13, 14 and 15 are rejected under 35 U.S.C 102(e) as being anticipated over Endo (U.S. Patent No. 5,974,392).

As to claims 1, 14 and 15, Endo discloses a work flow system comprising:

A process model (workflow manager server) for determining if a priority execution indicator is assigned to one or more activities (i.e. determining priority level for a task using numerical values) (abstract, and col. 11, lines 44 through col. 12 line 44); and when said analyzing step indicates that there is a priority execution indicator, launching execution of said activity with an execution priority specified according to said priority execution indicator (i.e. executing the task according to a priority indicator "priority level") (col. 12, line 45 through col. 13 line 5).

As to claim 2, Endo further discloses setting a task priority for the task to be executed (col. 10, line 60 through col. 11, line 7).

As to claim 3, Endo further discloses setting the priority of one or more messages relating to the processing of said activity are set to the execution priority specified according to said priority execution indicator (i.e. setting the task priority in a queue table for the task execution) (col. 11, lines 52-60).

As to claim 12, Endo further discloses execution of said activity directly by calling said activity with said execution priority (i.e. judging the task priority number and extracting the task for execution) (col. 12, lines 49-61).

As to claim 13, Endo further discloses transmitting message "instruction" for the task to be executed. Note column 12, lines 56-65.

6. Claim 16 is rejected under 35 U.S.C 102(e) as being anticipated over Dave et al (U.S. Patent No. 6,289,488).

As to claim 16, Dave et al discloses a method for executing tasks comprising:
tasks being the nodes of a graph and edges defining a process flow (See Figure 2 C, and col. 5, lines 29-48), and determining if a priority execution indicator "priority level" is assigned to a task (i.e. an algorithm for assigning priority levels to tasks to be executed and executing the tasks based on the priority levels (col. 11, lines 14-47).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatented over Endo (US Patent No. 5,974,392) as applied to claim 1 above in view of Dong et al (U.S. Patent No. 6,424,948).

As to claims 4 and 5, Endo discloses assigning an activity indicator to an activity "task" (see claim 1 above), but Endo fails to explicitly disclose a priority execution specification for the activity (task). Dong discloses a workflow comprising a priority execution specification (col. 27, lines 27-45). It would have been obvious to a person of ordinary skill in the art to have modified the workflow system of Endo to include a priority execution specification as taught by Dong. The motivation being so that the behavior of a workflow system can be more easily analyzed and understood.

9. Claims 6-8 are rejected 35 U.S.C. 103(a) as being unpatentable over Endo and Dong as applied to claims 1 and 4 above, and further in view of Leymann et al (Workflow-based application).

As to claims 6-8, the combination of Endo and Dong teaches assigning a priority indicator to an activity "task" but Endo and Dong et al fail to explicitly disclose a performance sphere comprising a sub-graph of a process model associating a process execution indicator to activities within the performance sphere. Leymann et al discloses a work-flow system for analyzing for a priority execution specification of a performance sphere comprising of an activity (Pages 14-21). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the disclosures of Endo and Dong by including the performance sphere as taught by Leymann et al in order to insure that all activities or tasks are run successfully.

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10. Claims 9, 10 and 11 are rejected 35 U.S.C. 103(a) as being unpatentable over Endo (U.S. Patent No. 5,974,395) as applied to claims 1, 2 and 3 above in view of Kraft, IV et al (U.S. Patent No. 5,867,160).

As to claims 9, 10 and 11, Endo fails to disclose mapping said priority execution indicator to a value. Kraft, Iv et al, on the other hand, discloses a system that assigns priority to tasks and maps a priority execution indicator of the tasks using a mapping function (see abstract and col. 7, lines 49 through col. 9, lines 7-47). Thus, it would have been obvious to a person of ordinary skill in the art to have modified the work flow system of Endo by including a mapping priority indicator function as taught by Kraft, Iv et al. Doing so, would efficiently handle multiple tasks graphically in multitasking environments.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Collins et al (US Patent No. 3,662,401) discloses a method for executing program tasks using priority levels.

b. Bunnell (US Patent No. 5,469,571) discloses a scheduler that selects tasks for executions based on task priority level.

c. Lindsley (US Patent No. 6,430,593) discloses a method of assigning priority to a task and scheduling the task based on priority levels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (703) 308-9585. The examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm.

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If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C 20231

or faxed to:

(703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington VA, and seventh floor receptionist.

RJ

July 23, 2002



Romain Jeanty

Patent Examiner

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